

REMARKS

In accordance with the foregoing, claim 13 has been amended and claims 14 and 15 have been added. No new matter has been added. Therefore, claims 1-15 are pending and reconsideration is respectfully requested.

CLAIM OBJECTIONS:

In the office Action, claims 5 and 13 were objected. Accordingly, in claim 13, the "C" notation has been removed. It is noted that the range is a range of angles of the first end 41a of the opening member 41 and, thus, has no relation to temperature. Therefore, it is respectfully requested that the objection be withdrawn.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-4 and 6-12 are rejected under 35 U.S.C. §102(e) as being anticipated by Takahashi et al. (U.S. Patent 6,653,018). These rejections are traversed.

Regarding the rejection of claim 1, it is noted that claim 1 recites a pouch type secondary battery comprising at least one **opening member** disposed at the seal portion and **made of a resin material having a lower melting point than the seal portion of the pouch casing**. As such, the claimed invention provides a safety vent to prevent explosion and fire by simply removing a sealing mechanism of the pouch when the internal temperature of the battery increases above the melting point of the opening member and the opening member inherently melts as a result.

Takahashi, on the other hand, is directed to an electrochemical device including an envelope having a sealable opening and a resin layer on its inner side and an electrochemical element having terminals. The electrochemical element is inserted in the envelope through the opening and sealed therein. A strip of a material different from the resin layer is disposed in the envelope opening and sealed together by thermal fusion so that **the strip serves as a pressure relief valve for relieving pressure within the envelope**.

Thus, it is noted that, although the strip disclosed by Takahashi appears to correspond to the claimed opening member, the Takehashi strip is, in fact, a pressure releasing valve as opposed to an opening member that melts due to a melting point thereof being lower than the seal of the pouch. Indeed, in contrast to the claimed invention and as noted throughout the

specification in Takahashi, the Takahashi strip operates as a result of mechanical stresses acting upon the strip. See *e.g.*, example A2 in Takahashi, column 17, lines 26-33. It is further pointed out that although Takahashi discusses the melting point of the thermal fusible resins used in Takahashi, See Takahashi, column 8, lines 52-64, **no mention is made**, anywhere in the reference, **that the strip is made of a material with a lower melting point than the thermal fusible resins.**

Therefore, since Takahashi is directed towards a pressure releasing valve that operates via mechanical stresses due to pressure increases inside a battery, and since, in the claimed invention, the opening member is made of a resin material having a lower melting point than the seal portion of the pouch casing such that the opening member inherently melts as a result of the temperature increase inside the battery above that of the melting point of the opening member material, applicant respectfully asserts that claim 1 is patentably distinguished from the reference. Thus, the rejection of claim 1 is overcome.

Regarding the rejection of claim 12, it is noted that claim 12 is patentably distinguished from the reference for substantially the same reasons as set forth above. Thus, the rejection of claim 12 is also overcome.

Regarding the rejections of claims 2-4 and 6-11, it is noted that the rejections of these claims are overcome due, at least in part, to their dependence upon claim 1.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 5 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi et al. However, since claims 5 and 13 depend from claims 1 and 12, respectively, applicant asserts that the rejections of these claims are overcome due, at least in part, to their dependence upon claims 1 and 12, respectively.

NEWLY ADDED CLAIMS 14 AND 15:

Claims 14 and 15 recite substantially similar subject matter as claims 1 and 12, respectively, except that these claims additionally recite that the member melts when a temperature of the interior of the casing increases beyond the melting point of the member material such that the seal portion is unable to seal the casing. Therefore, applicant respectfully asserts that claims 14 and 15 are patentably distinguished from the applied reference due, at

least in part, to similar reasons as set forth above.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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3/25/05

By: _____



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